

# Miami Herald

## ***Florida environment committee votes in favor of emissions standards***

BY MARY ELLEN KLAS  
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Florida's Environmental Regulation Commission rejected arguments of automakers, car dealers, and agriculture interests Tuesday, voting 6-1 with the Crist administration to usher in tough new auto emissions standards in Florida by 2013.

The clean car rule, modeled after California's emission standards, requires that any new passenger cars and trucks sold in Florida reduce heat-trapping emissions by 23 percent in 2013 and cut them a further 7 percent by 2016.

It was a hard-fought victory for Gov. Charlie Crist and Department of Environmental Protection Secretary Mike Sole, who urged the panel of scientists and environmental experts to have Florida join 12 other states in adopting the California standards for greenhouse gas emission.

"If the Legislature ratified this, consumers should be able to buy cars that reduce pollution in the environment, save you money and get better gas mileage," Sole said. "And it's good for our energy security because it will reduce our reliance on foreign oil."

Lobbyists for auto manufacturers, auto dealers and boat dealers packed the meeting room, along with tree farmers and business groups. They urged the ERC to wait until the federal government sets its own fuel efficiency standards and decide then whether a tougher rule is needed to curb auto emissions.

They warned that the cost of the new changes would strike another blow to the nation's troubled auto industry, prohibitively raise the costs of light and medium duty trucks, and reduce pollutants by an insignificant amount.

"To rush off and pass this rule with the economy the way it is, with the understanding of what it may or may not do to the automobile industry does not make sense to me," said Ken Plante, lobbyist for Southeast Toyota and JM Family enterprises of Deerfield Beach. "If you don't pass this today, that doesn't mean you can't pass it tomorrow."

But with every argument Sole, or his staff of scientists and regulators, jumped to their feet to provide a counterpoint.

George Hackney, a nurseryman from Quincy, in North Florida, told the panel that if the rule was adopted the eight-cylinder Ford F150 pick-ups his company drives "will be hard to get and cost us more to purchase."

As Hackney walked to the back of the room, AutoNation lobbyist Ron Book commended him for a "good job." But Sole chased him down. He pulled out a sheaf of paper, listing dozens of 2009 vehicle models and showed him how a next year's model of the F150 pick-up will already be in compliance with the proposed clean car rule.

Proponents also argued that the rule is needed to help create a market for more environmentally-friendly cars and start to repair the atmosphere.

"Don't listen to the skeptics who advise you wait," said Paul Ruscher, a professor of meteorology and atmospheric chemistry at Florida State University. "The savings we can generate now in terms of lower emissions involve tangible benefits."

But the ERC vote is no guarantee that cars in Florida will produce fewer pollution-causing emissions anytime soon.

The federal government must first approve California's clean car standards, which New York, Pennsylvania, and all other northeastern states have already adopted. Next, the Florida Legislature must ratify the commission's ruling and Republican legislative leaders have indicated they are not open to tough new sanctions against the auto industry.

"This is the first major test of Gov. Crist's climate strategy and a six to one vote is a pretty strong endorsement," said Eric Draper, president of the Florida Audubon Society. He predicted they will have a "very tough time" persuading the Legislature to ratify it.

"It's sad that the automakers are putting so much time and money into fight the rule rather than delivering cars that will give consumers more choice," Draper said.

## The AM Law Daily

# Big Auto Bailout Seekers Should Drop Civil Suits, Say Environmental Lawyers

By Brian Baxter

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U.S. auto industry executives were back on Capitol Hill Wednesday pleading for a \$25 billion federal bridge loan as a means of averting bankruptcy. Carmakers can show they're serious about changing their broken business model by dropping federal civil suits challenging the legality of emissions laws in four states, say several environmental lawyers interviewed by The Am Law Daily.

Along with a handful of other auto manufacturers, the Big Three have pursued civil actions targeting global warming laws passed in four states: California, New Mexico, Rhode Island, and Vermont. They've relied on lawyers from Kirkland & Ellis, Gibson, Dunn & Crutcher, and Quinn Emanuel Urquhart Oliver & Hedges to handle the cases, which all stem from a 2002 law passed by California's state legislature aimed at gradually reducing greenhouse gas emissions from automobiles sold in-state.

Named after California state senator Fran Pavley, the law enables the state to regulate some car pollutants more forcefully. Under the Clean Air Act, once one state regulates a pollutant more stringently than the federal government, other states can opt-in to the stricter interpretation. Since 2002, 14 other states that represent roughly half of the total U.S. population have adopted the standards set forth by California's Pavley Act.

"I don't think taxpayers in the states that have adopted these standards are happy with the idea of subsidizing auto companies or paying the lawyers who are suing to overturn these state laws," says Sierra Club chief climate counsel David Bookbinder, who is involved in all four suits. "Call me cynical, but why would California taxpayers give their money to General Motors so they can sue to overturn the state's laws? It just doesn't make sense."

In order for states to enforce new emissions standards, California needs a waiver from the Environmental Protection Agency to apply the stricter protocols. Due to resistance by the Bush administration, this effort was unsuccessful and the subject of related litigation. (President-elect Barack Obama has indicated he will approve the EPA waiver.)